

AMENDED IN ASSEMBLY MARCH 31, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

## ASSEMBLY BILL

No. 461

Introduced by Assembly Member Shirley Horton

February 15, 2005

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~~An act to add Section 148.1 to the Streets and Highways Code, and to amend Section 21650 of the Vehicle Code, relating to transportation. An act to amend Section 1801.1 of the Vehicle Code, relating to vehicles.~~

### LEGISLATIVE COUNSEL'S DIGEST

AB 461, as amended, Shirley Horton. ~~Bus-on-shoulder demonstration program~~ Department of Motor Vehicles: transactions: electronic transmissions.

Existing law authorizes the Department of Motor Vehicles to allow a person to submit any document required to be submitted to the department by using electronic media deemed feasible by the department instead of requiring the actual submittal of the original document. Existing law authorizes the department, under certain circumstances, to waive for electronically submitted documents any legal requirement that the document be signed in order to complete a transaction.

This bill, instead of authorizing the department to waive the signature requirement specified above, would authorize that requirement to be satisfied for an electronically submitted document if the signature is also submitted electronically and the department retains information verifying the identity of the person submitting the electronic signature. The bill would make a conforming change.

~~Existing law provides that the Department of Transportation has full possession and control of state highways and associated property.~~

~~Existing law authorizes certain local agencies to operate HOT lane demonstration projects on state highways. Existing law generally requires vehicles to be driven on the right half of a roadway, which is defined to mean that portion of a highway improved, designed, or ordinarily used for vehicular travel.~~

~~This bill would authorize the San Diego Association of Governments (SANDAG), in conjunction with the department, to conduct a transit bus-only demonstration program using the shoulders of State Highway Routes 52 and 805 in San Diego County. The program would designate segments of each freeway where it is appropriate to use shoulders as transit bus-only traffic corridors, with the segments to be determined jointly by the department and SANDAG based upon peak congestion hours and the most heavily congested areas. The program would be limited to 6 transit buses per shoulder segment on a weekday. The bill would require the department and SANDAG to report to the Legislature by January 1, 2010. The bill would add a conforming change to the Vehicle Code.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.~~

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Section 148.1 is added to the Streets and~~  
2     ~~Highways Code, to read:~~

3     ~~SECTION 1. Section 1801.1 of the Vehicle Code is amended~~  
4     ~~to read:~~

5     ~~1801.1. (a) Notwithstanding any other provision of law, the~~  
6     ~~department may allow a person to submit any document required~~  
7     ~~to be submitted to the department by using electronic media~~  
8     ~~deemed feasible by the department instead of requiring the actual~~  
9     ~~submittal of the original document.~~

10    ~~(b) If a signature on a document is required by law in order to~~  
11    ~~complete a transaction, and the document is submitted~~  
12    ~~electronically, that signature requirement may be waived by the~~  
13    ~~department for an electronically submitted document when~~  
14    ~~supported by a signed agreement between the department and the~~  
15    ~~submitter. The agreement shall require, at a minimum, each~~  
16    ~~document to include all information necessary to complete the~~  
17    ~~transaction, certification by the submitter as to the truthfulness of~~  
18    ~~all data to be transmitted to the department, and retention of~~

1 ~~supporting records by the submitter met by an electronically~~  
2 ~~submitted signature, if the department retains information~~  
3 ~~verifying the identity of the person submitting the electronic~~  
4 ~~signature.~~

5 (c) The department may establish minimum transaction  
6 volume levels, audit and security standards, and technological  
7 requirements, or terms and conditions, *including methods of*  
8 *authentication for electronically submitted signatures*, it deems  
9 necessary for the approval of this process.

10 (d) An electronically submitted document, once accepted by  
11 the department, shall be deemed the same as an original  
12 document, and shall be admissible in all administrative,  
13 quasi-judicial, and judicial proceedings.

14 ~~148.1. (a) Notwithstanding any other provision of law, the~~  
15 ~~San Diego Association of Governments (SANDAG) may~~  
16 ~~conduct a transit bus-only demonstration program using the~~  
17 ~~shoulders of State Highway Routes 52 and 805 in San Diego~~  
18 ~~County, in conjunction with the department. The program shall~~  
19 ~~designate segments of each freeway where it is appropriate to~~  
20 ~~designate shoulders as transit bus-only traffic corridors, with the~~  
21 ~~segments to be determined jointly by the department and~~  
22 ~~SANDAG based upon peak congestion hours and the most~~  
23 ~~heavily congested areas. Under the program, not more than six~~  
24 ~~transit buses shall be authorized to use each designated shoulder~~  
25 ~~segment on each workday, and a transit bus may only divert to~~  
26 ~~the authorized shoulder segment when the actual mainline traffic~~  
27 ~~speed on the adjacent freeway is less than 35 miles per hour. The~~  
28 ~~maximum speed of a transit bus operating on a shoulder shall not~~  
29 ~~exceed 35 miles per hour. Buses shall be required to reenter~~  
30 ~~mainline traffic if a public safety vehicle is in need of access to~~  
31 ~~the shoulder.~~

32 ~~(b) The department and SANDAG shall monitor the state of~~  
33 ~~repair of freeway shoulders used in the demonstration program,~~  
34 ~~and SANDAG shall be responsible for the costs of any necessary~~  
35 ~~repairs attributable to the operation of transit buses on the~~  
36 ~~shoulders.~~

37 ~~(c) The demonstration project may commence operation as~~  
38 ~~soon as practicable after January 1, 2006. The department and~~  
39 ~~SANDAG shall report to the Legislature on or before January 1,~~  
40 ~~2010, on the operation of the project.~~

1     ~~SEC. 2. Section 21650 of the Vehicle Code is amended to~~  
2     ~~read:~~  
3     ~~21650. Upon all highways, a vehicle shall be driven upon the~~  
4     ~~right half of the roadway, except as follows:~~  
5     ~~(a) When overtaking and passing another vehicle proceeding~~  
6     ~~in the same direction under the rules governing that movement.~~  
7     ~~(b) When placing a vehicle in a lawful position for, and when~~  
8     ~~the vehicle is lawfully making, a left turn.~~  
9     ~~(c) When the right half of a roadway is closed to traffic under~~  
10    ~~construction or repair.~~  
11    ~~(d) Upon a roadway restricted to one-way traffic.~~  
12    ~~(e) When the roadway is not of sufficient width.~~  
13    ~~(f) When the vehicle is necessarily traveling so slowly as to~~  
14    ~~impede the normal movement of traffic, that portion of the~~  
15    ~~highway adjacent to the right edge of the roadway may be~~  
16    ~~utilized temporarily when in a condition permitting safe~~  
17    ~~operation.~~  
18    ~~(g) This section does not prohibit the operation of bicycles on~~  
19    ~~any shoulder of a highway, where the operation is not otherwise~~  
20    ~~prohibited by this code or local ordinance.~~  
21    ~~(h) This section does not prohibit the operation of a transit bus~~  
22    ~~on the shoulder of a highway at a speed not to exceed 35 miles~~  
23    ~~per hour in conjunction with the implementation of a~~  
24    ~~demonstration program authorized pursuant to Section 148.1 of~~  
25    ~~the Streets and Highways Code on State Highway Routes 52 and~~  
26    ~~805 in San Diego County.~~

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29     CORRECTIONS:

30     Text-Page 3.

31